



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,983	12/06/2001	Christopher M. Benson	9902	9424

26884 7590 06/02/2004

PAUL W. MARTIN  
LAW DEPARTMENT, WHQ-4  
1700 S. PATTERSON BLVD.  
DAYTON, OH 45479-0001

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/010,983

Applicant(s)

BENSON, CHRISTOPHER M.

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. in view of Fernandes et al.

Freedman et al. teaches a scheduler for a multiple computer system. Within the background of the invention Freedman et al. teaches a master-slave concept in which several computers are coordinated through a master control. The master designates which tasks are executed by the individual computers (operating a control processor to subdivide a bulk data set into subdivisions of data; operating the control processor to send the subdivisions of data to a plurality of processors connected to the control processors via network; and operating the processors of the plurality of terminals to process the data) (column 1; lines 38-44).

Freedman et al. further teaches a task selection on each computer is performed by a Scheduler on a priority basis. When a given computer needs to select a task (is substantially idle; claim 3) the computer scans the task status information. Examiner notes that this teaching is consistent with interrupting the data processing, if a computer needs to process a transaction that has higher priority (claim 5).

The system of Freedman et al. does not specifically teach that the network of terminals as point-of-sale terminals. Fernandes et al. teaches retail operations utilize a plurality of point-of-

Art Unit: 3627

sale terminals coupled to a central computer. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Freedman et al. by further specifying that the network of terminals be point-of-sale terminals, in order for retail operations to leverage their existing hardware when performing large computing tasks.

Claims 6-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. in view of Suzuki et al.

The system of Freedman et al. (as discussed in detail above) does not specifically teach that the network of terminals as point-of-sale terminals. Suzuki et al. teaches that electronic cash register systems are well known that comprise a plurality of registers and a central processing unit coupled thereto. The central processing unit cumulatively stores sales data relating to merchandise sold to be read out for financial management (i.e. the central processing unit maintains and utilizes sales history data; column 1; lines 17-22). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Freedman et al. by further specifying that the network of terminals be point-of-sale terminals as taught by Suzuki et al., in order for retail operations to leverage their existing hardware when performing large computing tasks, especially on sales history data.

### ***Response to Arguments***

Applicant's arguments filed with the amendment on 3/8/01 have been fully considered but they are not persuasive. Applicant asserts that Freedman teaches away from the system including a control processor and multiple controlled processors because it lacks fault tolerance, instead Freedman advocates the tasks be scheduled by individual processors. Examiner points out that the use of patents as references is not limited to what a patentee describes as their

Art Unit: 3627

invention. In this case the Examiner uses the Prior Art section of Freedman (as pointed about by the specific column and line numbers) for the rejection. Specifically the teaching by the Prior Art that master/slave systems are old and well known. While the Examiner agrees that the invention of Freedman serves to improve this old and well known system, however that does not mean that Freedman teaches away nor does it render Freedman non-analogous.

Applicant's arguments with respect to claims 6-13 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

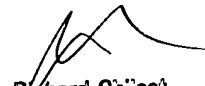
Art Unit: 3627

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
Examiner  
Art Unit 3627

JAK

  
Richard Chilcot  
~~Supervisory Patent Examiner~~  
Technology Center 260  
3627